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FOURTH UNITED NATIONS CONFERENCE
TO REVIEW ALL ASPECTS OF THE SET OF
MULTILATERALLY AGREED EQUITABLE
PRINCIPLES AND RULES FOR THE CONTROL
OF RESTRICTIVE BUSINESS PRACTICES
Geneva, 25-29 September 2000
Item 4 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF THE WORK OF THE CONFERENCE

Annotated provisional agenda and organization of work

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I. PROVISIONAL AGENDA

1. Opening of the Conference

2. Election of the President and other officers

3. Adoption of the rules of procedure

4. Adoption of the agenda and organization of work of the Conference

5. Credentials of the representatives to the Conference:

   (a) Appointment of a Credentials Committee

   (b) Report of the Credentials Committee

6. Review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices:

   (a) Review of application and implementation of the Set

   (b) Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of restrictive business practices

7. Other business

8. Adoption of the report of the Conference.

II. ANNOTATIONS

1. The General Assembly, in its resolution 52/182 of 18 December 1997, decided to convene a Fourth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. The Conference is to be held under the auspices of UNCTAD at Geneva in 2000. The Intergovernmental Group of Experts on Competition Law and Policy, at its second session, which took place from 7 to 9 June 1999, acted as the preparatory body for the Conference. The report of the Intergovernmental Group is contained in document TD/B/COM.2/19-TD/B/COM.2/CLP/14.

Item 1 - Opening of the Conference

2. The Conference will be opened at 10 a.m. on Monday, 25 September 2000, by the Secretary-General of UNCTAD or by his representative.

Item 2 - Election of the President and other officers

3. The provisional rules of procedure of the Conference provide in rule 7 that the Conference shall elect, with due regard to equitable geographical distribution, a President, a Rapporteur and 17 Vice-Presidents. The President, the 17 Vice-Presidents and the Rapporteur shall constitute the Bureau of the Conference.

4. In line with past practice, the Bureau should have the following regional distribution: Groups A and C combined: 9; Group B: 6; Group D: 3; and China: 1.

Item 3 - Adoption of the rules of procedure

5. The provisional rules of procedure of the Conference, as approved by the previous three Conferences, are contained in TD/RBP/CONF.5/2.

Item 4 - Adoption of the agenda and organization of work of the Conference

6. The text of the provisional agenda, as set out in section I above, was approved by the Intergovernmental Group of Experts on Competition Law and Policy at its second session (see chapter IV, para. 32, and annex I of TD/B/COM.2/19-TD/B/COM.2/CLP/14.

(a) Negotiating Group and subsidiary bodies

7. Rule 44 of the provisional rules of procedure of the Conference provides that the Conference shall establish a Negotiating Group and that it may establish such other subsidiary bodies as it deems necessary. Rule 45 states that the President of the Conference shall be the Chairman of the Negotiating Group and that other subsidiary bodies shall elect their own officers as may be required.

(b) Regional group meetings

8. Appropriate time and facilities shall be made available daily throughout the duration of the Conference for regional group meetings.

(c) Facilities available

9. There will be interpretation facilities available from 10 a.m. to 1 p.m. in the mornings and from 3 p.m. to 6 p.m. in the afternoons throughout the duration of the Conference.

(d) Work of the Conference and the Negotiating Group

10. The Conference has available to it five working days. It is suggested that the first meeting, on 25 September, be devoted to procedural matters, namely items 1 to 5 (a) of the provisional agenda, as well as to opening statements, and that the last meeting, on 29 September, be devoted to item 5 (b), "Report of the Credentials Committee", Item 7, "Other business", and

item 8, "Adoption of the report of the Conference". The remaining meetings would be devoted to the substantive item on the agenda (item 6) and to the informal consultations referred to in paragraph 15 below. A proposed programme of work is provided in the annex to this document.

Item 5 - Credentials of the representatives to the Conference

11. Rule 5 of the provisional rules of procedure provides that a Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations.

Item 6 - Review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

(a) Review of application and implementation of the Set

12. In acting as preparatory body for the Review Conference, the Intergovernmental Group of Experts on Competition Law and Policy, at its second session on 29-31 July 1999, invited the Secretary-General of UNCTAD to prepare an assessment of the operation of the Set (agreed conclusions, para. 7, contained in chapter I of document TD/B/COM.2/19-TD/B/COM.2/CLP/14). This note will be submitted to the Conference in document TD/RBP/CONF.5/3. In addition, Governments will be invited to present their views on the implementation of the Set under this agenda item.

(b) Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of restrictive business practices

13. The Intergovernmental Group of Experts on Competition Law and Policy, at its second session, adopted agreed conclusions which are being forwarded to the Fourth Review Conference, as contained in chapter I of its report TD/B/COM.2/19-TD/B/COM.2/CLP/14.

14. In order to assist the Review Conference in its work, the Intergovernmental Group of Experts, in its agreed conclusions, welcomed regional initiatives in convening preparatory meetings for the Fourth Review Conference, with the assistance of the UNCTAD secretariat, focusing on reviewing their respective experiences in the implementation of the Set. In this respect, a number of regional UNCTAD seminars and workshops have been convened, the results of which will be submitted to the Review Conference.

15. The Intergovernmental Group of Experts on Competition Law and Policy further recommended that the Fourth Review Conference consider the following issues related to the better implementation of the Set:

(a) Experience gained so far with the establishment of competition laws and competition authorities and enforcement of the law and competition advocacy in developing countries, countries with economies in transition, and relevant regional organizations;

(b) Organization and powers of competition authorities, including how to determine enforcement priorities;

(c) Treatment of confidential information in competition law and policy;

(d) The role of competition policy in economic development;

(e) Competition policy issues in telecommunications; and

(f) Competition policy and its implications for regulatory and legislative reforms.

16. Accordingly, the Conference will hold informal consultations to exchange views on these important competition policy issues. Governments are invited to submit short notes on their interventions in advance to the UNCTAD secretariat in order for these to be reproduced and made available to participants.

17. The Intergovernmental Group of Experts also requested the UNCTAD secretariat to prepare for consideration by the Fourth Review Conference:

(a) A revised report on the experiences gained so far with international cooperation on competition policy issues and the mechanisms used, taking into account commentary and information to be received from member States by 31 January 2000;

(b) An updated review of technical assistance, taking into account the information to be submitted by member States and international organizations no later than 31 January 2000;

(c) A report on how competition policy addresses the exercise of intellectual property rights, taking into account commentary and information to be received from member States by 31 October 1999; and

(d) An updated version of the Model Law taking into account recent trends in competition legislation and its enforcement. It should be understood that the Model Law and its commentary do not affect the discretion of countries to choose policies considered appropriate for themselves, and that the Model Law and its commentary should be periodically reviewed in the light of reforms and trends at the national and regional levels.

18. Accordingly, a revised report on "Experiences Gained so far with International Cooperation on Competition Policy Issues and the Mechanisms Used" will be made available in document TD/RBP/CONF.5/4. An updated "Review of Technical Assistance" will be submitted in document TD/RBP/CONF.5/5 and a report on "How Competition Policy Addresses the Exercise of Intellectual Property Rights" will be available in document TD/RBP/CONF.5/6. Finally, an updated version of the Model Law containing new provisions for merger control will be made available in TD/RBP/CONF.5/7.

Item 7 - Other business

Item 8 - Adoption of the Report of the Conference

19. Rule 52 of the provisional rules of procedure states that the Conference may recommend to the General Assembly the adoption of amendments to the Set of Principles and Rules. Rule 52 also provides that the Conference may approve and open for signature a Final Act. It may also, as was the case for the Second Review Conference in 1990, adopt a resolution.

20. Rule 52 of the provisional rules of procedure provides that the Conference shall adopt a report on its proceedings. The final report will be submitted to the United Nations General Assembly.

Annex

PROPOSED PROGRAMME OF WORK

Monday, 25 September	a.m.	Agenda items 1-5 (a) and opening statements
	p.m.	Agenda item 6 (a)
Tuesday, 26 September	a.m.	Agenda item 6 (a)
	p.m.	Agenda item 6 (b)
Wednesday, 27 September	a.m.	Informal consultations (topics listed in para. 15 (a) and (b))
	p.m.	Informal consultations (topics listed in para. 15 (c) and (d))
Thursday, 28 September	a.m.	Consideration of the outcome of the Conference
	p.m.	Consideration of the outcome of the Conference
Friday, 29 September	a.m.	Informal consultations (topics listed in para. 15 (e) and (f))
	p.m.	Agenda items 7 and 8